[JOINT COMMITTEE PRINT]

# DESCRIPTION OF THE TARGETED JOBS TAX CREDIT AND H.R. 5094

SCHEDULED FOR A HEARING

BEFORE THE

## SUBCOMMITTEE ON SELECT REVENUE MEASURES

OF THE

## COMMITTEE ON WAYS AND MEANS

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## INTRODUCTION

The Subcommittee on Select Revenue Measures of the House Committee on Ways and Means has scheduled a public hearing on April 10, 1984, to review the targeted jobs tax credit, which expires at the end of 1984.

The first part of the pamphlet is a summary. The second part discusses the legislative history of the targeted jobs credit and the present targeted jobs credit rules. Part three describes various proposals to extend the credit: H.R. 5094 (introduced by Messrs. Rangel and Shannon), which would extend the credit for five years; the Administration proposal for a one-year extension; and the recent Senate Committee on Finance provision for a three-year extension. Finally, an Appendix presents Department of Labor data on targeted jobs credit participation for fiscal year 1983.

## I. SUMMARY

### *Present Law*

The targeted jobs tax credit was enacted in the Revenue Act of 1978 to replace the expiring credit for increased employment (the "new jobs credit"). As originally enacted, the targeted jobs credit was available for wages paid before 1982. The availability of the credit was successively extended by the Economic Recovery Tax Act of 1981 (ERTA) and the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) so that it may now be claimed by an employer for qualified wages paid for services performed in 1985 and 1986 to individuals who begin work for the employer before 1985.

The targeted jobs tax credit is available on an elective basis for hiring individuals from one or more of nine targeted groups. The targeted groups are (1) vocational rehabilitation referrals; (2) economically disadvantaged youths aged 18 through 24; (3) economically disadvantaged Vietnam-era veterans; (4) SSI recipients; (5) general assistance recipients; (6) economically disadvantaged cooperative education students; (7) economically disadvantaged former convicts; (8) AFDC recipients and WIN registrants; and (9) economically disadvantaged summer youth employees aged 16 or 17. The credit generally is equal to 50 percent of the first $6,000 of qualified first-year wages and 25 percent of the first $6,000 of qualified second-year wages paid to a member of a targeted group. Thus, the maximum credit is $3,000 per individual in the first year of employment and $1,500 per individual in the second year of employment. With respect to economically disadvantaged summer youth employees, however, the credit is equal to 85 percent of up to $3,000 of wages, for a maximum credit of $2,550. The employer's deduction for wages must be reduced by the amount of the credit.

The credit may not exceed 90 percent of the employer's tax liability after being reduced by certain other nonrefundable credits. Excess credits may be carried back three years and carried forward 15 years.

### *Summary of Proposals*

#### *H.R. 5094 (Messrs. Rangel and Shannon)*

H.R. 5094 would extend the targeted jobs credit for five years. Under the bill, the credit would be available for qualified wages paid to individuals who begin work for the employer on or before December 31, 1989. The bill also would make several changes affecting target group eligibility and the amount of the credit.

#### *Administration Proposal*

In its budget for fiscal year 1985, the Administration has proposed a one-year extension of the credit, for qualified wages paid to

individuals who begin work for the employer on or before December 31, 1985.

***Senate Finance Committee Action***

On March 21, 1984, the Senate Finance Committee tentatively approved a three-year extension of the targeted jobs credit as a part of a package of revenue measures. Under this provision, the credit would be available with respect to individuals who begin work for the employer on or before December 31, 1987.

## II. BACKGROUND AND PRESENT LAW

### *Legislative Background*

The targeted jobs tax credit is intended to provide a tax incentive for hiring specific, targeted groups of individuals. It was enacted in the Revenue Act of 1978 as a substitute for the expiring credit for increased employment (the "new jobs credit"). The new jobs credit was available in 1977 and 1978.

As initially enacted, the targeted jobs credit was intended to be available for qualified wages paid before 1982.[1] The Economic Recovery Tax Act of 1981 (ERTA) extended the availability of the targeted jobs credit to qualified wages paid to individuals beginning work for the employer before 1983. Under ERTA, the employer could claim the credit for qualified wages paid to such individuals for services rendered in 1983 and 1984. The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) extended the availability of the credit to qualified wages attributable to services performed in 1985 and 1986, paid to individuals who begin work for the taxpayer before 1985.

ERTA and TEFRA also altered the targeted group definitions and made several administrative changes in the credit provisions.

### *Present Law*

#### *General rules*

The targeted jobs tax credit is available on an elective basis for hiring individuals from one or more of nine targeted groups. The credit generally is equal to 50 percent of qualified first-year wages and 25 percent of qualified second year wages. Qualified first-year wages consist of wages attributable to service rendered by a member of a targeted group during the one-year period beginning with the day the individual first begins work for the employer. For a vocational rehabilitation referral, however, the period begins the day the individual begins work for the employer on or after the beginning of the individual's vocational rehabilitation plan. Qualified second-year wages consist of wages attributable to service rendered during the one-year period which begins at the close of the first year described just above. Thus, the date on which the wages are paid does not determine whether the wages are first-year or second-year wages; rather, the wages must be attributed to the period during which the work was performed.

No more than $6,000 of wages during either the first or second year of employment may be taken into account with respect to any individual. Thus, the maximum credit per individual is $3,000 in

[1] As the result of a clerical error, the Revenue Act of 1978 limited the credit to wages paid before 1981. The error was corrected in the Technical Corrections Act of 1979.

the first year of employment and $1,500 in the second year of employment.

With respect to economically disadvantaged summer youth employees, the credit is equal to 85 percent of up to $3,000 of qualified first-year wages, for a maximum credit of $2,550, with no credit for any second-year wages.

The deduction for wages must be reduced by the amount of the credit.

***Certification of members of targeted groups***

In general, an individual is not treated as a member of a targeted group unless certification that he is a member of such a group is received or requested in writing by the employer from the designated local agency on or before the day on which the individual begins work for the employer. In the case of a certification of an economically disadvantaged youth participating in a cooperative education program, this requirement is satisfied if necessary certification is requested or received from the participating school on or before the day on which the individual begins work for the employer. The "designated local agency" is the State employment security agency.

If a certification is incorrect because it was based on false information provided by a member of a targeted group, the certification is to be revoked, so that wages paid after the revocation notice is received by the employer are not treated as qualified wages.

The U.S. Employment Service, in consultation with the Internal Revenue Service, is to take whatever steps are necessary to keep employers appraised of the availability of the credit.

***Targeted groups eligible for the credit***

The nine groups eligible for the credit consist of individuals who are either recipients of payments under means-tested transfer programs, economically disadvantaged (as measured by family income), or disabled:

*(1) Vocational rehabilitation referrals*

Vocational rehabilitation referrals are those individuals who have a physical or mental disability which constitutes a substantial handicap to employment and who have been referred to the employer while receiving, or after completing, vocational rehabilitation services under an individualized, written rehabilitation plan under a state plan approved under the Rehabilitation Act of 1973, or under a rehabilitation plan for veterans carried out under chapter 31 of title 38, U.S. Code. Certification can be performed by the designated local employment agency upon assurances from the vocational rehabilitation agency that the employee has met the above conditions.

*(2) Economically disadvantaged youths*

Economically disadvantaged youths are individuals certified by the designated local employment agency as (a) members of economically disadvantaged families and (b) at least age 18 but not age 25 on the date they are hired by an employer. An individual is determined to be a member of an economically disadvantaged family if his or her family income, during the six months immedi-

ately preceding the earlier of the month in which the determination occurs or the month in which the hiring date occurs would be, on an annual basis, 70 percent or less of the Bureau of Labor Statistics lower living standard. A determination that an individual is a member of an economically disadvantaged family is valid for 45 days from the date on which the determination is made.

Except as otherwise noted below, a determination of whether an individual is a member of an economically disadvantaged family is made on the same basis and is subject to the same 45-day limitation where required in connection with the four other targeted groups that exclude individuals not economically disadvantaged.

*(3) Economically disadvantaged Vietnam-era veterans*

The third targeted group consists of Vietnam-era veterans certified by the designated local employment agency as members of economically disadvantaged families. For these purposes, a Vietnam-era veteran is an individual who has served on active duty (other than for training) in the Armed Forces for more than 180 days, or who has been discharged or released from active duty in the Armed Forces for a service-connected disability, but in either case, the active duty must have taken place after August 4, 1964, and before May 8, 1975. However, any individual who has served for a period of more than 90 days during which the individual was on active duty (other than for training) is not an eligible employee if any of this active duty occurred during the 60-day period ending on the date the individual is hired by the employer. This latter rule is intended to prevent employers that hire current members of the armed services (or those recently departed from service) from receiving the credit.

*(4) SSI recipients*

SSI recipients are those receiving either Supplemental Security Income under Title XVI of the Social Security Act or State supplements described in section 1616 of that Act or section 212 of P.L. 93-66. To be an eligible employee, the individual must have received SSI payments during a one month or longer period ending during the 60-day period which ends on the date the individual is hired by the employer. The designated local agency is to issue the certification after a determination by the agency making the payments that these conditions have been fulfilled.

*(5) General assistance recipients*

General assistance recipients are individuals who receive general assistance for a period of not less than 30 days if this period ends within the 60-day period ending on the date the individual is hired by the employer. General assistance programs are State and local programs which provide individuals with money payments, vouchers or scrip based on need. These programs are referred to by a wide variety of names, including home relief, poor relief, temporary relief, and direct relief. Because of the wide variety of such programs, Congress provided that a recipient will be an eligible employee only after the program has been designated by the Secretary of the Treasury as a program which provides money pay-

ments, vouchers or scrip to needy individuals. Certification is be performed by the designated local agency.

*(6) Economically disadvantaged cooperative education students*

The sixth targeted group consists of youths who (a) actively participate in qualified cooperative education programs, (b) have attained age 16 but have not attained age 20, (c) have not graduated from high school or vocational school, and (d) are members of economically disadvantaged families. The definitions of a qualified cooperative education program and a qualified school are similar to those used in the Vocational Education Act of 1963. Thus, a qualified cooperative education program means a program of vocational education for individuals who, through written cooperative arrangements between a qualified school and one or more employers, receive instruction, including required academic instruction, by alternation of study in school with a job in any occupational field, but only if these two experiences are planned and supervised by the school and the employer so that each experience contributes to the student's education and employability.

For this purpose a qualified school is (1) a specialized high school used exclusively or principally for the provision of vocational education to individuals who are available for study in preparation for entering the labor market, (2) the department of a high school used exclusively or principally for providing vocational education to persons who are available for study in preparation for entering the labor market, or (3) a technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market. In order for a nonpublic school to be a qualified school, it must be exempt from income tax under section 501(a) of the Code.

The certification is performed by the school participating in the cooperative education program. After initial certification, an individual remains a member of the targeted group only while he or she continues to meet the program participation, age, and degree status requirements of (a), (b), and (c), above.

*(7) Economically disadvantaged former convicts*

Any individual who is certified by the designated local employment agency (a) as having at some time been convicted of a felony under State or Federal law, (b) as being a member of an economically disadvantaged family, and (c) as having been hired within five years of the later of release from prison or date of conviction is an eligible employee for purposes of the targeted jobs credit.

*(8) AFDC recipients and WIN registrants*

Any individual who is certified by the designated local employment agency (a) as being eligible for Aid to Families with Dependent Children and as having continually received such aid during the 90 days before he was hired by the employer or (b) as having been placed in employment under a work incentive program established under section 432(b)(1) or 445 of the Social Security Act is an eligible employee for purposes of the targeted jobs credit.

*(9) Economically disadvantaged summer youth employees*

The ninth targeted group consists of youths who are certified by the designated local agency as being 16 or 17 years of age on the hiring date and a member of an economically disadvantaged family and who perform services in any 90-day period between May 1 and September 15. A youth must not have been an employee of the employer prior to this 90-day period. With respect to any particular employer, an employee can qualify only one time for this summer youth credit. If, after the end of the 90-day period, the employer continues to employ a youth who is certified during the 90-day period as a member of another targeted group, the limit on qualified first-year wages takes into account wages paid to the youth while he was a qualified summer youth employee.

***Definition of wages***

In general, wages eligible for the credit are defined by reference to the definition of wages under FUTA in section 3306(b) of the Code, except that the dollar limits do not apply. Because wages paid to economically disadvantaged cooperative education students and to certain agricultural and railroad employees are not FUTA wages, special rules are provided for these wages.

Wages may be taken into account for purposes of the credit only if more than one-half of the wages paid during the taxable year to an employee are for services in the employer's trade or business. The test as to whether more than one-half of an employee's wages are for services in a trade or business is applied to each separate employer, without treating related employers as a single employer.

Wages for purposes of the credit do not include amounts paid to an individual for whom the employer is receiving payments for on-the-job training under a Federally-funded program.

***Other rules***

In order to prevent taxpayers from escaping all tax liability by reason of the credit, the amount of the credit may not exceed 90 percent of the taxpayer's income tax liability. Furthermore, the credit is allowed only after certain other nonrefundable credits have been taken. If, after applying these other credits, 90 percent of an employer's remaining tax liability for the year is less than the targeted jobs credit, the excess credit can be carried back three years and carried forward 15 years, beginning with the earliest year.

All employees of all corporations that are members of a controlled group of corporations are to be treated as if they were employees of the same corporation for purposes of determining the years of employment of any employee and wages for any employee up to $6,000. Generally, under the controlled group rules, the credit allowed the group is the same as if the group were a single company. A comparable rule is provided in the case of partnerships, proprietorships, and other trades or businesses (whether or not incorporated) which are under common control, so that all employees of such organizations generally are to be treated as if they were employed by a single person. The amount of targeted jobs credit allow-

able to each member of the controlled group is its proportionate share of the wages giving rise to the credit.

No credit is available for the hiring of certain related individuals (primarily dependents or owners of the taxpayer). The credit is also not available for wages paid to an individual who was employed by the employer at any time during which the individual was not a certified member of a targeted group.

***Requirements for reports from executive agencies***

The Revenue Act of 1978 (sec. 554) required the Secretary of Treasury and the Secretary of Labor jointly to submit to the Congress a report on the effectiveness of the targeted jobs credit in improving the employment situation of the targeted groups and on the types of employers claiming the credit. (The report also was to evaluate the new jobs credit which was in effect during 1977 and 1978.) The report was required to be submitted by June 30, 1981.

TEFRA (sec. 233(e)(2)) requires the Secretary of Labor to report each year to the Congress on the results of testing required to assess the accuracy of the certification system. The first report was required by December 31, 1983.

Neither of the reports described above has yet been submitted to the Congress.

***Authorization for administrative expenses***

TEFRA authorized the appropriation of such sums as may be necessary for the expenses of administering the certification system and of providing publicity regarding the targeted jobs credit to employers. The authorization expires after fiscal year 1984.

## III. LEGISLATIVE PROPOSALS

### *Description of Proposals*

*1. H.R. 5094 (Messrs. Rangel and Shannon)*

H.R. 5094 would extend the targeted jobs tax credit for five more years. Under the bill, the credit would be available for qualified wages paid to individuals who begin work for the employer on or before December 31, 1989. Thus, if an individual begins work on December 31, 1989, the employer would be permitted to claim the credit for qualified first-year and qualified second-year wages paid to the individual for services performed in 1990 and 1991, respectively.

H.R. 5094 would also make three changes in the targeted jobs credit. First, the amount of wages eligible for the credit would be increased from $6,000 to $10,000. Second, the amount of family income below which a family would be considered economically disadvantaged would be increased from 70 percent of the Bureau of Labor statistics lower living standard to 80 percent of this standard. Finally, the date before which an employer would have to receive or request certification of target group eligibility would be extended from the day the individual begins work for the employer to 5 days after this date, for an individual who has received from the designated local agency, before the day on which he begins work for the employer, a preliminary determination that he is a member of a target group.

*2. Administration Proposal*

In its Fiscal Year 1985 Budget submitted to Congress on February 1, 1984, the Administration proposed a one-year extension of the targeted jobs credit. Under the Administration proposal, the credit would be applicable to wages paid to individuals who begin work for the employer on or before December 31, 1985.

*3. Senate Finance Committee Action*

On March 21, 1984, the Senate Finance Committee tentatively approved a three-year extension of the targeted jobs credit as a part of a package of revenue measures. Under this provision, the credit would be available with respect to individuals who begin work for the employer on or before December 31, 1987.

### *Revenue Effect*

The estimated revenue effects of the proposals are as follows:

[Millions of dollars]

| Proposal | Fiscal years | | | | |
|---|---|---|---|---|---|
| | 1985 | 1986 | 1987 | 1988 | 1989 |
| 5-year extension (H.R. 5094) [1] | −163 | −536 | −914 | −950 | −904 |
| 3-year extension (Senate Finance Committee) | −163 | −536 | −914 | −797 | −521 |
| 1-year extension (Administration) | −163 | −383 | −359 | −186 | −56 |

[1] These figures include only the effect of the extension of the credit (not the changes in target group eligibility and credit amount) contained in H.R. 5094.

## APPENDIX: DATA ON TARGETED JOBS CREDIT PARTICIPATION, FISCAL YEAR 1983

### Vouchers and Certifications by Targeted Group [1]

| Targeted group | Vouchers | | Certifications | |
|---|---|---|---|---|
| | Number | Percent | Number | Percent |
| Economically disadvantaged youths 18–24 | 581,795 | 45.2 | 259,309 | 60.1 |
| Economically disadvantaged Vietnam-era veterans | 80,808 | 6.2 | 24,141 | 5.6 |
| Economically disadvantaged former convicts | 94,545 | 7.3 | 21,929 | 5.1 |
| Economically disadvantaged summer youths | 87,308 | 6.8 | 33,538 | 7.8 |
| Involuntary terminated CETA employees [2] | 1,130 | 0.1 | 383 | 0.1 |
| General assistance recipients SSI recipients | 65,169 | 5.1 | 14,480 | 3.3 |
| SSI recipients | 3,115 | 0.2 | 1,254 | 0.3 |
| AFDC recipients | 294,394 | 22.9 | 50,736 | 11.8 |
| Vocational Rehabilitation referrals | 78,683 | 6.2 | 25,412 | 5.9 |
| Total [3] | 1,286,947 | 100.0 | 431,182 | 100.0 |

[1] A voucher is a preliminary determination that an individual is a member of a targeted group. A certification is a final eligibility determination, issued upon the request of a hiring employer.

[2] Individuals involuntarily terminated from a Comprehensive Employment and Training Act (CETA) public service employment program were eligible for certification if they began work for the employer before January 1, 1983.

[3] Does not include certifications of economically disadvantaged cooperative education students. Such certifications are issued by participating schools rather than State employment security agencies which issue certifications for all other targeted groups. However, the number of these certifications issued during fiscal year 1983 did not exceed 8,324, which is the number of determinations of economically disadvantaged status that State agencies performed for participating schools.

Source: U.S. Department of Labor.